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ORIGINAL

May 17, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Jake Jennings
Federal Communications Commission
Common Carrier Policy & Programming Division
445 12th Street, S.W.
Washington, DC 20554

**Re: Implementation of the Local Competition Provisions of the
Telecommunications Act of 1996
CC Docket No. 96-98**

Written Ex Parte Presentation by e.spire Communications, Inc.

Dear Mr. Jennings:

On behalf of e.spire Communications, Inc. ("e.spire"), I am writing to provide additional information to supplement an e.spire oral *ex parte* presentation made on April 18, 2000. As you may recall, during that meeting, James C. Falvey, Senior Vice President, Regulatory Affairs, e.spire; J. Scott Nicholls, Director, Carrier Relations, e.spire; David Kaufman, Director, Regulatory Affairs, e.spire; and Ross A. Buntrock of Kelley Drye & Warren LLP, discussed the negative implications for e.spire's product offerings of an enhanced extended link ("EEL")¹ encumbered with excessive usage and auditing requirements. In addition, e.spire detailed the usage restrictions, auditing requirements, ordering requirements, and non-recurring charges that ILECs have sought to impose on the EEL in recent negotiations that ILECs have

¹

e.spire uses the term EEL broadly to include new combinations of loop, transport, and in some cases, multiplexing, as well as conversions of existing combinations of the same elements.

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required in order for e.spire to access EELs in any manner.² This letter responds to your request that e.spire provide further detail in writing regarding the problems associated with obtaining EELs from Southwestern Bell Telephone Company ("SWBT") and U S West.³

SWBT and US West are hindering e.spire's ability to gain access to EELs in several ways. Both SWBT and US West have required e.spire to undertake a lengthy negotiation process before either company will agree to begin provisioning EELs. In addition, SWBT and US West have, without negotiation, unilaterally imposed restrictions on EEL usage which specify that traffic carried on e.spire's EEL circuits must be local voice traffic. e.spire submits that imposition of such restrictions, aside from having no basis in the Commission's rules, also significantly increase the cost for e.spire to provide critical products to its customers. As e.spire discussed at our April 18 meeting, access to EELs is critical to e.spire's Platinum Internet product. These unilaterally imposed restrictions are without basis. In the *Third Report and Order*, the Commission concluded that ILECs must make EELs available.⁴ Nowhere, however, does the Commission impose restrictions of the type being independently foisted upon e.spire, and other carriers by SWBT and US West. Imposition of "local voice" (as opposed to merely "significantly local") restrictions make it difficult to price competitively innovative bundled services that are becoming increasingly important to end users. With such restrictions, e.spire will find it difficult to use the EEL for dial-up Internet access, frame relay, and data-centric users even when such services are bundled with significant volumes of other local traffic.

Further, SWBT has unnecessarily complicated the EEL ordering processes, both for the conversion of existing special access circuits to EELs, and for new EEL circuits. In direct contravention of the Commission's *Third Report and Order*, SWBT's ordering process is unduly cumbersome, requiring carriers to complete essentially three separate orders for each circuit.⁵ SWBT's complicated and resource-intensive EEL ordering process, which SWBT refuses to modify, is anything but simple. SWBT requires the submission of an ASR and an LSR, in

² e.spire does not believe that an interconnection agreement amendment is necessary. However, to the extent that ILECs require one, e.spire has agreed to negotiate and sign a reasonable amendment that complies with the FCC's rules and governing law.

³ e.spire is also negotiating with Bell Atlantic and BellSouth but does not yet have issues to bring to your attention with respect to these or other ILECs.

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, CC Docket No. 96-98, FCC 99-238 (Rel. Nov. 5, 1999) modified by Supplemental Order, FCC 99-370 (rel. Nov. 24, 1999) ("Third Report Order").

⁵ The Commission stated that EEL conversions should be simple, inexpensive to implement and accomplished without delay using the ASR ordering process. See *Third Report and Order*, ¶ 298, n. 581.

addition to a spreadsheet which requests redundant information.⁶ Imposition of such an unwieldy ordering process, besides being wholly unnecessary, saps the resources of e.spire's provisioners, who must spend their time filling out unnecessary forms rather than provisioning services to e.spire's new and existing customers. In e.spire's experience, SWBT is alone in implementing such a Byzantine ordering process. SWBT, having failed to update its own internal order processes on timely basis, is requiring CLECs to provide multiple inputs to grease SWBT's antiquated systems. Aside from burdening e.spire, this system leaves e.spire with no confidence that it will actually work. SWBT's processes stand in stark contrast to those of other ILECs. Currently, at a minimum, both BellSouth and GTE all handle special access to EEL conversions much more efficiently than SWBT, from an ordering perspective, merely requiring e.spire to submit basic circuit identifying information in spreadsheet form.⁷

U S West is also brazenly flouting the Commission's orders. U S West insists on charging full nonrecurring charges even for mere special access to EEL conversions. U S West claims that the Colorado Public Utilities Commission has approved such non-cost based charges in U S West's recent arbitration with Sprint, and that such charges are therefore defensible. e.spire has repeatedly asked whether such charges apply to *conversions* where the circuits have already been installed and a mere billing change is required. U S West has continued to maintain that they do. e.spire believes, however, that any nonrecurring charges, over and above the *de minimus* administrative costs of converting circuits to EELs are patently inconsistent with the Commission's orders.⁸

In order to prevent arbitrary restrictions on the use of EELs from having the unintended effect of hamstringing deployment of high bandwidth data solutions, and foreclosing local service providers from using EELs to efficiently expand their service offerings, the Commission must promptly clarify its EEL rules. At bottom, the Commission must ensure that CLECs are not left in the position of having inferior access to ILEC networks, and are not foreclosed from using EELs for data applications. Broad restrictions on EEL usage cannot be

⁶ e.spire attaches as Attachment 1 the ASR, LSR and spreadsheets that SWBT requires carriers requesting the EEL to complete.

⁷ See Attachment 2.

⁸ The *Third Report and Order* concluded that carrier conversions of Special Access circuits to UNE combinations should be available through the ASR process, rather than the LSR process, and that such conversions should not result in carriers experiencing significant delays in so doing because such "conversions" are really nothing more than simple billing changes. Specifically, the Commission stated that: "requesting carriers and incumbent LECs have developed routine provisioning processes to deploy the EEL using the ASR or Access Service Request process, and thus requesting carriers will not face material provisioning delays and costs to integrate the EEL into their networks." *Third Report and Order*, n. 581.

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reconciled with the mandates of Sections 251, 252, 271, and 706 of the Communications Act. Furthermore, e.spire would appreciate your immediate assistance in ensuring that SGBT's ordering processes and U S West's nonrecurring charges do not further "unreasonably delay" e.spire's ability to order EEL conversions in the interim.⁹

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, e.spire is submitting an original and one copy of this written *ex parte* for inclusion in the public record of the above referenced proceeding. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,



Ross A. Buntrock

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Kathy Brown
Dorothy Attwood
Rebecca Beynon
Jordan Goldstein
Sarah Whitesell
Kyle Dixon
Christopher Wright
Lawrence Strickling
Michele Carey
Jane Jackson
Jodie Donovan-May
Christopher Libertelli
Magalie R. Salas
International Transcription

⁹ See *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Supplemental Order, FCC 99-370 (rel. Nov. 24, 1999), n. 9.

ATTACHMENT A

LSR Example - Loop with IOT

(Insert Your Company Logo)

Local Service Request

V3

(3-98)

CCNA	PON	VER	LSR NO	LOCQTY	HQTQY
Administrative Section					
AN	ATN	SC	PG OF	D/TSENT	0 0 1 1
DDD	APPTIME	DDDO	APPTIME	DFDT	PROJECT
2 0 0 0 - 0 1 2 6			0 1 0 3	2 0 0 0 - 0 1 - 2 6	1 2 5 4 P M
CIIC REQTYP	ACT SUP EXP AFO	RTR CC	AENG ALBR SCA AGAUTH	DATED	AUTHNM
					PORTTYP
ACTL	AI APOT	LST	LSO	TOS SPEC	NC
H S T N T X J A H K 1	N 0 3 3 0 1 0 2 0 1 5 2			U N B L T A	L Y T I -
NCI	CHANNEL	SECNCI	RPON	RORD	
0 4 D S 9 . 1 S		0 4 D S 9 . 1 S			
LSP AUTH	LSP AUTH DATE	LSP AUTH NAME	LSPAN	CIC	CUST
B11 BANI	B12 BAN2	ACNA	EBD	CNO	NRI
Bill Section					
BILLNM	SBILLNM	Z ++			
C L E C _N A M E			TE EBP		
STREET	FLOOR	ROOM	CITY		STATE
1 2 3 4 A D D R E S S		1 0 0	D A L L A S		T X
ZIP CODE	BILLCON	TEL NO	VTA		
Contact Section					
INIT	TEL NO				
M A R Y _ S E R V R E P	2 1 4 - 9 9 9 - 1 3 2 3 -				
E-MAIL			FAX NO		
			2 1 4 - 5 5 5 - 1 2 3 4		
STREET	FLOOR	ROOM/MAIL STOP	CITY		STATE
2 6 0 _ W _ L O O P		4	H O U S T O N		T X
ZIP CODE	IMPCON	TEL NO	PAGER		
7 7 0 2 7	J O H N _ C O N T A C T	2 1 4 - 6 6 6 0 0 0 0			
ALT IMPCON	TEL NO	PAGER			
DSGCON	DRC	TEL NO	FAX NO		
M A R Y _ S E R V R E P F A X 2 1 4 9 9 9 - 1 3 2 3 - 2 1 4 5 5 5 - 1 2 3 4					
EMAIL					
STREET	FLOOR	ROOM/MAIL STOP	CITY	STATE	ZIP CODE
2 6 0 _ W _ L O O P		4	H O U S T O N	T X	7 7 0 2 7
REMARKS					

(Insert Your Company Logo)

End User Information

V3
(3-98)

Administrative Section	PON [D S 1 L O O P I O T]	VER AN []	ATN []	DQTY []	' PG OF [0 2 0 3]	
Location and Access	NAME [X X X E N D U S E R]		SAPR []	SANO [2 0 0 0]	SASF []	SASD []
SASN			SATH []	SASS []		
[P O S T A L]			[B L V D]			
SADLO						
SADLO (Continued)	FLOOR []	ROOM []	BLDG []			
CITY	STATE [H O U S T O N]	ZIP CODE [T X 7 7 0 5 6]	LCON [D O N S M I T H]	TEL NO [7 1 3 2 9 1 1 2 3 4]	EUMI []	
ACC						
ACC (Continued)						
WSOP	CPE MFR []	CPE MOD []	IBT []			
Inside Wire	IWO []	IWBAN []	IWCON []	TEL NO []		
Bill Section	EAN []	EATN []	FBI []	BILLNM []		
SBILLNM	STREET []		FLOOR []		ROOM []	
CITY	STATE []	ZIP CODE []	BILLCON []			
TEL NO []	SSN []					

ASR Example - DS3 with IOT

```
/FOR: ICASR      *ICSC: ACCESS SERVICE REQUEST*      11/04/96 10:37
COMMAND          TARGET

ASR 9631120001 OWNER ICSC    ORD C960011      JEP      STATUS P F   ACA
D/TPROC 103096 16:10          ASR VER 016      SUPP-ADD
ECCKT                           FMT      LTERM      ASI
*****ADMINISTRATIVE SECTION*****
CCNA Z01 PON P1234567      VER     SPA S ICSC SW70 BY
D/TSENT 030996 11:37 QA DDD 041596 FDT      PRJCT
PPTD PFPTD      NOR      LUP      BSA (2)REQTYP SD ACT N SUP AFO
TQ EXP AENG ALB AGAUT DATED      CUST
FBA CKR
UNIT PIU 000 LTP
ECCKT
FNI CFNI      QTY 0000001
QTY
BAN 110 702-5111 ASG      BIC TEL      BIC-ID
TSC WSTM ACTL HSTNTX27WNE PBT LA      AI N
APOT 011200405005 RORD
RPON CCVN      ASC-EC      TSP
SAN AFG SPEC UNBDT
REMARKS DS1 TO 1 TO VG MUX WITH TRANSPORT AECN 3188
```

```
/FOR: ICADM      *ICSC: ASR ADMINISTRATION INFORMATION*      11/04/96 10:40
COMMAND          TARGET

ASR 9631120001 OWNER ICSC    ORD C960011      JEP      STATUS P F   ACA
REQTYP SD ACT N CCNA Z01 PON UNBUNDLING      VER     RPON
ECCKT                           FMT      LTERM      ASI
***** (1) BILLING INFORMATION *****
BILLNM CLEC NAME      SBILNM      ACNA ZPR TE
STREET ADDR XXXX      FL RM
CITY DALLAS      ST TX ZIP 75028
BILLCON ACCTS PAYABLE      TEL 214 923 1234      SCL
VTA EBP
***** (3) CONTACT INFORMATION *****
INIT N SOMEONE      TEL 214 123 1111      FAX 214 123 1234 STREET 1299 BROADWAY
FL RM CITY HOUSTON      ST TX ZIP 77059      FDRC
EMAIL JS1234@NAME.NET
DSGCON L SOMEONE      TEL 713 486 1212      STREET 1999 BROADWAY
FL RM CITY HOUSTON      ST TX ZIP 77059      DRC
IMPCON A SOMEONE      TEL 713 421 1234      MTCE      TEL
D/TREC 030996 11:55
```

/FOR: ICSPE *ICSC: ASR SPECIAL ACCESS SERVICE * 11/04/96 10:43
COMMAND TARGET

ASR 9631120001 OWNER ICSC ORD C960011 JEP STATUS P F ACA
REQTYP SD ACT N CCNA Z01 PON UNBUNDLING VER RPON
ECCKT FMT LTERM ASI

***** CIRCUIT DETAIL *****

(1) NC HCZM NCI 04DS6.44 (2) TLV S25 EXR TRF MST GETO
GBTN HVP NSIM SR D/CDLRD SECNCI
SI SPOT SECTLV CKLT NSL
CFA CFAU SSS ATN
SCFA MUXLOC
HBAN CPT PRIADM
WACD1
WACD2

RMKS PLEASE PROVIDE ONE MUXED DS3 FROM SWB MUX TO COLLOCATION

/FOR: ICSP2 *ICSC: ASR SPECIAL ACCESS SERVICE (SECLOC) * 11/04/96 10:49
COMMAND TARGET

ASR 9631120001 OWNER ICSC ORD C960011 JEP STATUS P F ACA
REQTYP SD ACT N CCNA Z01 PON UNBUNDLING VER RPON
ECCKT FMT LTERM ASI

***** CIRCUIT INFORMATION *****

MUXLOC HVP SR
***** SECONDARY LOCATION INFORMATION *****
(1) SECLOC CHSTNTXCL STREET 12930 OLIVE RD
BLDG 2 FL RM 01 CITY ST.LOUIS ST MO
ALOC E SOUTHWESTERN BELL MUX OTC WKTEL
ACTEL EUCON EUTEL
LCON ACC
REN JKCODE PCA JKNUM JKPOS JS
CTX TEL CTX LSTD NM SECADM

RMKS PLEASE PROVIDE 1 MUXED DS3 FROM SWB TO XXXX COLLOCATION

LSR Example - DS1 Loop riding DS3 UDT

Local Service Request

V3

CCNA	PON	VER	LSR NO	LOCQTY	HTQTY	
Administrative Section						
Z 9 K	1 2 3 4 5 6 7 8					
AN	ATN	SC	PG OF	D/TSENT		
DDD	APPTIME	DDDO	APPTIME	DFDT	PROJECT	
CHC REQTYP	ACT SUP EXP AFO	RTR CC	AENG ALBR SCA AGAUTH	DATED	AUTHNM	
ACTL	AI APOT	LST	LSO	TOS SPEC	NC	
NCI	CHANNEL	SECNCI	RPON	RORD		
0 4 D S 9 .1 5	0 4 D S 9 .1 5					
LSP AUTH	LSP AUTH DATE	LSP AUTH NAME	LSPAN	CIC	CUST	
B11 BANI	B12 BAN2	ACNA	EVD	CNO	NRI	
Bill Section						
L	1 1 0 -7 0 2 -4 1 0 0		Z 9 K			
BILLNM	SBILLNM		TE	EVD		
C L E C	N A M E					
STREET	FLOOR	ROOM	CITY	STATE		
1 1 2 3 4	A D D R E S S	1 0 0	D A L L A S	T X		
ZIP CODE	BILLCON	TEL NO	VTA			
Contact Section						
INIT	TEL NO					
M A R Y	S E R V R E P	2 1 4 -9 9 9 -1 3 2 3 -				
E-MAIL	FAX NO					
		2 1 4 -5 5 5 -1 2 3 4				
STREET	FLOOR	ROOM/MAIL STOP	CITY	STATE		
1 2 6 0	W L O O P	4	4 0 0	H O U S T O N	T X	
ZIP CODE	IMPCON	TEL NO	PAGER			
1 7 7 0 2 7	J O H N C O N T A C T	2 1 4 -6 6 6 0 0 0 0				
ALT IMPCON	TEL NO	PAGER				
DSGCON	DRC	TEL NO	FAX NO			
M A R Y	S E R V R E P	F A X	2 1 4 9 9 9 -1 3 2 3 -2 1 4	5 5 5 -1 2 3 4		
EMAIL						
STREET	FLOOR	ROOM/MAIL STOP	CITY	STATE	ZIP CODE	
1 2 6 0	W L O O P	4	4 0 0	H O U S T O N	T X	
REMARKS						

D|S|L|O|P|R|O|E|U|R|D|N|G|D|S|3|U|D|T|

SWBT SERVICE ORDER EXHIBIT

- **SWBT New Install: DS1 Loop RIDING DS3 UDT**

INQP	P	EDD	AD	01-02	SI	SLS	R12Q34D	EX	III	CS	LU1	OCS	
ORD	C954104		TN	110	702-4100	CC	100	DD	01-15-00	DDC	W	SA	EBD
SC	CD	ID	SD	HQJ4								ST:O	1
LAT	560						LAM	01-08-00					
DDD	01-15-00						AD	01-09-00					
ANR	L,C,M						DLRD	01-09-00					
ACNA	Z9K						WOT	01-09-00					
AECN	1234						FCD	01-10-00					
SPO	MOF						PTD	01-14-00					
LSRN	20000109L00005						LOCC	1-800-752-1126					
SM	LX 01-02-2000 1030A						-BILL						
AVN	TRACR						IPON	NEW CONNECT DS3					
-LSTG							MCN	RESL1234LSP					
ACN	CLEC COMPANY						-RMKS						
ACA	4-1308 RICHMOND AVE						RMK	DS1 LOOP TO EU RIDING DS3 UDT					
ACTL	1-HSTNTXJAHK1												
-CTL													
WCO	GHQ JOHN SIMS 214 858-2440												
IMP	JOHN SIMS, 214 858-2440												
DSG	MARY SERVREP, 214 999-1323 2145551234 FAX												
DRC	FAX												
SID	01-08-00												

INQP	P	EDD	AD	01-09	SI	SLS	R12Q34D	EX	III	CS	LU1	OCS	
ORD	C954104		TN	110	702-4100	CC	100	DD	01-15-00	DDC	W	SA	EBD
SC	CD	ID	SD	HQJ4								ST:O	2
-S&E							I	NW1	(NETWORK INTERFACE)				
ICLS	41.HCRT.954105..SW						I	NR9W2	(Service Order Charge)				
	/NC LYT-/CKR 4W8DB-1												
	/PIU 0												
I	LUI						\$						
ICKL	1-1308 RICHMOND AVE HOUSTON, TX /NCI 04DS9.15 /LSO 713 522 /ACTL 1 /CFA U101 T3Z HSTNTX27WNE/CHSTNTXCL												
I	UDLD4 (Cross Connect)												
ICKL	2-2000 POST OAK BLVD HOUSTON, TX /SN LSP END USER /NCI 04DS9.15 /LSO 713 622												
I	U4D1X (USOC 4 WIRE DIGITAL LOOP)												

CFA OF EXISTING DS3 UDT

Loop Service

Administrative Section

PON	VER AN	ATN	IQTY PG OF
			03 03

Service Details

LOC NUM	LNUM	LNA	CKR	TSP						
	00011	N								
SAN			ECCKT							
			28 . HIC RT . 50009 2 . .IS W							
CFA			SYSTEM ID	CABLE ID						
SHELF	SLOT	RELAY RACK	CHAN/PAIR	JK CODE	JK NUM	JK POS	JR	NIDR	IWJK	IWJQ
IWJK	IWJQ	IWJK	IWJQ	DISC#	TER	TC OPT	TC TO PRI		TC TO SEC	
			-			-	-		-	
TCID	TC NAME				TC PER					
LOC NUM	LNUM	LNA	CKR	TSP						
SAN			ECCKT							
CFA			SYSTEM ID	CABLE ID						
SHELF	SLOT	RELAY RACK	CHAN/PAIR	JK CODE	JK NUM	JK POS	JR	NIDR	IWJK	IWJQ
IWJK	IWJQ	IWJK	IWJQ	DISC#	TER	TC OPT	TC TO PRI		TC TO SEC	
			-			-	-		-	
TCID	TC NAME				TC PER					

SOUTHWESTERN BELL SHEET (IN ADDITION TO EACH ASR/LSR FOR PER CIRCUIT)

To be completed by CLEC/TC							To be completed by SBC			
SBC Existing Facility Name/ Circuit ID	Special Access PON	UNE PON(s)	Date LSR/ ASR's to be sent to SBC	Desired Due Date	Contact Name and Number	CFA (optional)	Special Access Order Number	UNE Order Number(s)	Confirmed Due Date	New SBC Facility Name/ Circuit ID

ATTACHMENT B

BELLSOUTH

Local Service Request for Conversion to Unbundled Combo Services

Date:

CLEC:

State:

This is a request to change PIU of the existing circuit from 100% to 0% for UNE Telric pricing.

Telric pricing.

CLEC REQUIRED FIELDS*

BAN*	ACTL*	Exist CKT ID*	CFA	New CKT ID	DD of Conv	EBD	Order #